



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re the Application of: **Hiroyuki SEKITANI et al.**

Group Art Unit: **3625**

Serial Number: **09/880,036**

Examiner: **Mark A. Fadok**

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Confirmation Number: **5953**

For: **PART RETRIEVING SYSTEM FOR PRODUCTION MACHINES
UTILIZING NETWORK**

Attorney Docket Number: **010734**

Customer Number: **38834**

PRE-APPEAL BRIEF REQUEST FOR REVIEW

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Commissioner for Patents
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Alexandria, VA 22313-1450

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REMARKS

Claims 1-3 are pending in the above-identified application. Claims 1-3, which form the basis for this Pre-Appeal Brief Request for Review, stand finally rejected under 35 U.S.C. §102(b) as being anticipated by **Calloway** (U.S. Patent No. 5,146,404).

At issue in this paper is the factual question of whether the database of **Calloway** is located at a workstation or at a central computer. Applicants argue that **Calloway** discloses a database located in the workstation, while the Examiner argues that **Calloway** discloses a database located in the central computer. Claim 1 recites "a terminal connected to the part database via a communications network for bidirectional communications with the part database." Therefore, according to claim 1 the part database is not located in the local terminal.

Thus, if the database of **Calloway** is located in the workstation, rather than in the central computer, **Calloway** cannot anticipate the claims.

The Office Action dated September 15, 2005 states that “the workstation computer 24 is in bi-directional communication with central computer 26, which is depicted in FIG 1A and contains the database part files.” The Advisory Action dated November 28, 2005 specifically states that “[t]he functions depicted in FIG 1A are part of the central computer (col. 3, lines 61 and 62) and include a database file of parts (appendix).” Thus the Examiner argues that the database is located in the central computer.

The passage which the Examiner refers to states that “[t]he computer 24 accordingly interfaces with ...a central computer 26 (FIG. 1A) for communications, order entry, and the order entry functions described below...” Based upon this passage, the Examiner argues that Figure 1A illustrates the central computer 26. Applicants concede that Figure 1A contains a database in the form of parts files 37, but respectfully argue that Figure 1A illustrates the EMS workstation 10, not the central computer 26. For the reasons discussed below, Applicants respectfully argue that the Examiner’s position is reliant on a single typographical error, and contradicts the context of the reference as a whole. Since central computer 26 is only illustrated in Figure 1B, it appears that the passage in question in **Calloway** should read “...a central computer 26 (FIG. 1B)...” in order to be consistent with the subject matter of the patent.

Calloway discloses an electronic maintenance support work station, which serves to replace the use of a paper catalog containing product parts information. See column 1, lines 32-42. In the work station of **Calloway**, part information is recorded on laser disk 15, and

subsequently displayed on a graphics screen 14. This information is hierarchically ordered as shown in Figs. 3A and 3B. Once the part required is identified, an order may be placed on the work station computer 24 and transmitted to a central computer 26. See column 4, lines 13-24. **Calloway** also discloses a local database in Figure 1B, which appears to correspond to the parts files 37 of Figure 1A.

Calloway discloses that "FIG. 1A shows a functional block diagram of an electronic maintenance support (EMS) work station," and that "FIG. 1B shows a hardware block diagram for the EMS work station." See Column 2, lines 40-46. In other words, both Figure 1A and 1B illustrate the same EMS work station. This becomes more evident by the fact that the text screen 12, video/graphics screen 14, video/graphics interface hardware 22 and video disk from Figure 1B are also illustrated in Figure 1A. Because Figure 1A is a functional block diagram and Figure 1B is a structural hardware block diagram, not all elements from Figure 1B will be present in Figure 1A, and vice versa. Therefore, Figure 1A does not illustrate a central computer 26.

In addition to EMS workstation 10, Figure 1B illustrates the central computer 26. Based on the disclosure of **Calloway**, it appears that the elements within the dotted line (text screen 12, video/graphics screen 14, video/graphics interface hardware 22, audio, local database, work station computer 24, video disk 15 and modem) are hardware components of the EMS workstation 10. It also appears that the line between the modem and the central computer 26 represents a communication network.

It is further noted that the description of the function of the invention of **Calloway** is inconsistent with the Examiner's position. Part files 37, which the Examiner regards as a

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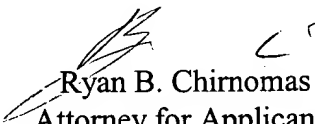
database, are a component part of part procurement subsystem 28, as illustrated in Figure 1A. According to the specification of **Calloway**, "a parts procurement subsystem 28 can be employed to write an order for the part in the user's work station computer 24 and transmit it to the central computer 26." Please see column 4, lines 16-19. Thus, part files 37 are located in the EMS workstation 10, not in the central computer 26.

For at least the reasons discussed above, Applicants argue that the Examiner's assertion that the central computer 26 contains a database is incorrect. Applicants argue that the drawings and disclosure of **Calloway** taken in context of the entire reference clarify that the parts files 37 (local database) are located in the workstation 10, not in the central computer 26.

Thus, **Calloway** does not disclose "a terminal connected to the part database via a connection network for bidirectional communication with the part database," as required by claim 1.

In view of the remarks set forth above, Applicants submit that the rejection is improper. Accordingly, it is respectfully requested that the rejection of the claims be withdrawn and that present claims 1-3 be passed on to allowance.

Respectfully submitted,
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